

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

In re: ) Chapter 7  
ILLINOIS BATTERY CORPORATION, )  
Debtor. ) No. 09 B 00581  
 ) Honorable Jacqueline P. Cox  
)

**COVER SHEET FOR SECOND AND FINAL APPLICATION OF**  
**FRANKGECKER LLP FOR ALLOWANCE OF COMPENSATION AND EXPENSES**

Name of Applicant: FrankGecker, LLP

Authorized to Provide Professional Services to: Frances F. Gecker, Chapter 7 Trustee of the Estate of Illinois Battery Corporation

Period for Which Compensation is Sought: July 1, 2010 through December 15, 2012

Amount of Fees Sought: \$4,465.00

Amount of Expense Reimbursement Sought: \$55.17

This is a: Second and Final Application

The aggregate amount of fees and expenses *paid* to the Applicant to date for services rendered and expenses incurred herein is: \$24,523.01.

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In re: ) No. 09 B 00581  
 )  
ILLINOIS BATTERY CORPORATION, ) Chapter 7  
 )  
Debtor. ) Honorable Jacqueline P. Cox  
 )  
 ) Hearing Date: February 14, 2013  
 ) Hearing Time: 9:30 a.m.  
 ) Room: 680

**NOTICE OF HEARING**

PLEASE TAKE NOTICE THAT on **February 14, 2013**, at **9:30 a.m.**, we shall appear before the Honorable Jacqueline P. Cox, or such other judge as may be sitting in her stead, in Courtroom 680 at the Dirksen Federal Building, 219 South Dearborn Street, Chicago, Illinois 60604, and present the attached **Second and Final Application of FrankGecker LLP as Counsel to Frances Gecker, Chapter 7 Trustee of the Bankruptcy Estate of ILLINOIS BATTERY CORPORATION, for Compensation and Reimbursement of Expenses.**

Dated: January 9, 2013

Respectfully submitted,

FRANK/GECKER LLP

By: /s/ Zane L. Zielinski  
One of its attorneys

Zane L. Zielinski (IL ARDC #6278776)  
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**IN THE UNITED STATES BANKRUPTCY COURT  
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In re: ) Chapter 7  
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ILLINOIS BATTERY CORPORATION, )  
 ) No. 09 B 00581  
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Debtor. ) Honorable Jacqueline P. Cox  
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**SECOND AND FINAL APPLICATION OF FRANKGECKER LLP  
AS COUNSEL TO FRANCES GECKER CHAPTER 7 TRUSTEE OF THE  
BANKRUPTCY ESTATE OF ILLINOIS BATTERY CORPORATION  
FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES**

FrankGecker LLP, counsel to Frances Gecker, not individually, but as Chapter 7 trustee (the "Trustee") of the bankruptcy estate of Illinois Battery Corporation (the "Debtor"), hereby submits its second and final application (the "Application") pursuant to 11 U.S.C. §§ 330, 331 and 507(a)(1) seeking compensation totaling \$4,465.00 for legal services performed as counsel to the Trustee during the period of July 1, 2010 through and including December 15, 2012 (the "Application Period") and reimbursement of expenses totaling \$55.17 incurred in connection with those services. In support of its Application, FG respectfully states as follows:

**INTRODUCTION**

1. On January 9, 2009, the Debtor filed a voluntary petition for relief under Chapter 7 of Title 11 of the United States Code (the "Bankruptcy Code") in the U.S. Bankruptcy Court for the Northern District of Illinois (the "Court").
2. The Trustee is the duly appointed trustee in the Debtor's case.
3. On August 11, 2009, this Court entered an order authorizing the Trustee to retain Zane L. Zielinski and the professionals of FrankGecker LLP (collectively, "FG") as her counsel in the case retroactive to February 1, 2009.

4. On July 15, 2010, FG submitted its first interim fee application for allowance of compensation totaling \$24,523.01 for the period February 1, 2009 through June 30, 2010. On August 11, 2010, the Court entered an order granting FG's interim application for compensation of expenses.

5. Since her appointment, with the assistance of FG, the Trustee has taken a variety of actions necessary to administer the Debtor's estate. During the Application Period, FG has reviewed the extent and validity of claims filed against the Debtor and made objections to claims. Additionally, FG finalized the settlement and closing of two adversary proceedings to recover preferential transfers made by the Debtor during the ninety (90) day period prior to the Petition Date. In addition, the Trustee retained an accountant, Alan D. Lasko & Associates, P.C., to resolve tax related issues and prepare tax returns for the estate.

6. This second and final fee application seeks allowance of all fees and expenses incurred by FG from July 1, 2010 to December 15, 2012. To aid the Court in its review of this application, the Trustee's counsel has divided this application into three parts. Part I describes the practical and legal issues encountered by the Trustee's counsel, and actions taken and results obtained by counsel. Part II describes the qualifications and areas of expertise of the Trustee's attorneys. Part III describes the manner in which fees and expenses were calculated by the Trustee's attorneys.

## **I. SERVICES PERFORMED**

### **A. Administrative \$393.00**

FG spent **1.70 hours** at a cost of **\$393.00** during the Application Period on general administrative issues. This category primarily includes the time spent communicating with Trustee's accountant and the IRS regarding tax returns and other related tax issues.

**B. Claims \$1,535.00**

FG spent **5.40 hours** at a cost of **\$1,535.00** during the Application Period on issues relating to reviewing claims and determining the validity and extent of claims filed by creditors in this Case, as well as preparing, filing and attending a hearing on Trustee's Rule 3012 motion for valuation of a secured claim filed by Bank of America.

**C. Litigation \$649.00**

FG spent **2.80 hours** at a cost of **\$649.00** during the Application Period to finalize the resolution and settlement of two outstanding adversary proceedings to recover preferential and fraudulent transfers made by the Debtor to creditors. FG prepared for and attended hearings on motions to approve settlement agreements in the adversary actions and prepared documents for the agreed-upon dismissal of the adversary actions.

**D. Preparation of Fee Applications/Retention of Professionals \$1,888.00**

FG spent **7.50 hours** at a cost of **\$1,888.00** on legal matters during the Application Period in connection with the preparation and appearance at court for fee applications, as well as the retention and employment of Trustee's accountant. Time in this matter also includes 1.0 hour spent by FG reviewing time and billing invoices and preparing this second and final fee application at a cost of \$350.00, which is less than two percent (2%) of the total fees in this case.

**II. ATTORNEYS PROVIDING SERVICES FOR THIS ESTATE**

A. Zane L. Zielinski (ZLZ) is an associate at FrankGecker LLP. Mr. Zielinski graduated from Chicago-Kent College of Law in 2002. Mr. Zielinski specializes in bankruptcy law, and has represented trustees, debtors and creditors in bankruptcy cases.

B. William G. Cross (WC) is an associate at FrankGecker LLP. Mr. Cross is a 2009 graduate of Loyola University Chicago School of Law. Mr. Cross specializes in bankruptcy law

and has represented trustees and creditors in bankruptcy cases. Mr. Cross was also responsible for appearing in court on status calls regarding the adversary proceedings.

### **III. CALCULATION OF TIME AND FEES**

This is FG's second and final application for compensation and reimbursement of fees and expenses incurred by FG during the Application Period. All professional services for which compensation is requested herein, and all reimbursement for expenses incurred, have been for services directly related to the case and were rendered for the benefit of the Trustee and the Debtor's estate. No agreement or understanding exists between FG and any other person for the sharing of compensation received or to be received in connection with this case, other than as disclosed or authorized pursuant to 11 U.S.C. §§ 327, 328, 330 and 331.

As set forth in the attached Exhibit A, FG's attorneys and staff have spent a total of **17.40** hours during the Application Period providing necessary legal services for the Trustee. As a result, they request compensation in the amount of **\$4,465.00** for actual, necessary legal services performed during the Application Period. The average hourly rate during the Application Period is **\$256.61**. In addition, FG has expended the sum of **\$55.17** for actual, necessary expenses incurred in representing the Trustee during the Application Period (see Exhibit A). FG has voluntarily written off all expenses related to fax charges and copy charges. The amounts shown in Exhibit A are primarily for postage and messenger deliveries.

In preparing this second and final fee application, FG has calculated the amount of time spent by each attorney and paralegal in performing actual, necessary legal services for the Trustee. The data used came directly from computer printouts of data which is kept by FG on each of its clients. The hourly rates charged are the regular hourly rates charged by the firm to its clients. FG worked to avoid any duplication of effort, and in instances where more than one

attorney billed for a project, there was a need for multiple attorneys' involvement or the time of one of the attorneys was voluntarily written off.

To aid the Court in its review of this material, FG has prepared a time exhibit presented in the attached Exhibit A. The time entries cover all work performed by FG regardless of whether it was office conferences, telephone conferences, research or some other type of work.

FG does not bill its clients or seek compensation in this fee application for its overhead expenses, including word processing or secretarial overtime, instead, such expenses are factored into FG's normal and customary rate. These charges fairly compensate the firm's actual costs and do not result in undue revenue for the firm. Moreover, FG's non-bankruptcy clients routinely are billed and pay these types of expenses. *See In re Continental Securities Litigation*, 962 F.2d 566, 570 (7th Cir. 1992).

No compensation has been promised to FG, other than as disclosed or approved by this Court. FG certifies that there is no agreement between the firm and any other party regarding the sharing of fees except with the firm's partners, nor has the firm discussed or negotiated the amount of its fees with any party except the Trustee. Finally, FG represents that it is and remains a disinterested party and does not hold any relationship adverse to the estate.

WHEREFORE, FG respectfully requests that this Court enter an Order:

- A. Allowing FrankGecker LLP compensation for actual, necessary legal services in the amount of \$4,465.00;
- B. Allowing FrankGecker LLP reimbursement of actual, necessary expenses in the amount of \$55.17;
- C. Authorizing the Trustee to pay FrankGecker LLP compensation and expense reimbursement in the total amount of \$4,520.17; and

D. Granting such other relief as the Court deems just and equitable.

Dated: December 14, 2012

Respectfully submitted,

FRANCES GECKER, not individually but as  
Chapter 7 Trustee of the bankruptcy estate of  
ILLINOIS BATTERY CORPORATION,

By: /s/ *Zane L. Zielinski*  
One of her attorneys

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